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6 Attorneys for Plaintiff  
United States of America

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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14  
15 v.  
16 MICHAEL GARCIA,  
also known as "Smokes,"  
17 NANCY DALILA GARCIA ESCOBAR,  
GONZALO RUIZ GARCIA, and  
18 TYLOR JEFFERY COMBS,  
19  
20 Defendants.

CASE NO. 2:20-CR-0181 JAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: December 8, 2020  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

21 **STIPULATION**

22 1. By previous order, this matter was set for status on December 8, 2020.

23 2. On November 23, 2020, a deputy from the U.S. Marshals Service notified the parties that  
24 Mr. Gonzalo Garcia had passed away the previous night. The government will move to dismiss charges  
25 against Mr. Garcia upon receipt of the death certificate.

26 3. By this stipulation, defendants now move to continue the status conference until February  
27 23, 2021, and to exclude time between December 8, 2020, and February 23, 2021, under Local Code T4.

28 4. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case  
includes over 20 gigabytes of evidence in electronic form, including multiple hours of covert

1 recordings, pictures, investigative reports, and related documents. All of this discovery has been  
2 either produced directly to counsel and/or made available for inspection and copying.

3 b) Counsel for defendants desire additional time to consult with their clients, review  
4 the current discovery, conduct investigation and research related to the charges, to review and  
5 copy discovery for this matter, to discuss potential resolutions with their clients, and to otherwise  
6 prepare for trial.

7 c) Counsel for defendants believe that failure to grant the above-requested  
8 continuance would deny them the reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the  
12 case as requested outweigh the interest of the public and the defendant in a trial within the  
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
15 et seq., within which trial must commence, the time period of December 8, 2020 to February 23,  
16 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
18 of the Court's finding that the ends of justice served by taking such action outweigh the best  
19 interest of the public and the defendant in a speedy trial.

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 3, 2020

McGREGOR W. SCOTT  
United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: December 3, 2020

/s/ LEXI P. NEGIN  
LEXI P. NEGIN  
Counsel for Defendant  
MICHAEL GARCIA

Dated: December 3, 2020

/s/ MICHAEL D. LONG  
MICHAEL D. LONG  
Counsel for Defendant  
NANCY DALILA GARCIA ESCOBAR

Dated: December 3, 2020

/s/ JARED FAVERO  
JARED FAVERO  
Counsel for Defendant  
GONZALO GARCIA

Dated: December 3, 2020

/s/ DAVID GARLAND  
DAVID GARLAND  
Counsel for Defendant  
MICHAEL GARCIA

### FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 4<sup>th</sup> day of December, 2020.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE